THE HONOURABLE SRI JUSTICE J. CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

W.P. No. 11746 of 2006

Dated: 15.06.2006

Between:-

M/s. Hansa Pictures, Secunderabad.

..Petitioner

And

1. The Commercial Tax Officer, Secunderabad and 2 others.

..Respondents.

O R D E R (per Hon'ble Sri Justice D. Appa Rao)

Heard the learned counsel for the parties. With their consent, the writ petition is taken up for disposal at the stage of admission.

2. The writ petitioner, aggrieved by the order dated 03-03-2004 of the 3rd respondent-Additional Commissioner of Commercial Taxes (Legal) rejecting stay pending disposal of the appeal, preferred this writ petition.

3. The petitioner is a dealer trading in projectors, projection screens, spares, accessories, electronic ballasts lamps etc., R-1 assessed the tax at 4%. While so, the 2nd respondent revised *suo motu* enhancing the rate of tax from 4% to 12%. Aggrieved by the same, he preferred an appeal in T.A.No.781 of 2004, before the Sales Tax Appellate Tribubnal. However, when stay application was filed, it was rejected. Assailing the said order, this writ petition

is preferred.

4. Since the question that falls for consideration is whether the petitioner is liable to pay tax at the rate of 4% or 12%, and even before the appeal is disposed of, if entire amount is collected, the very purpose would be defeated. Justice would have been met had the collection was stayed on imposing some terms.

5. Therefore, considering all the circumstances, there shall be stay on condition the petitioner depositing Rs.2,00,000/- (Rupees two lakhs only) within a period of six weeks from today.

6. Accordingly, the Writ Petition is disposed of with the aforementioned direction. No costs.

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J. CHELAMESWAR, J

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D. APPA RAO, J

15th June, 2006

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